

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In Re:)	
)	Case No. 22-40065-jpg
CALIFORNIA PALMS ADDICTION)	
RECOVERY CAMPUS, INC.)	Judge: John P. Gustafson
)	
Debtor,)	Chapter 11 (SubChapter V)
_____)	

**MOTION OPPOSING TURNOVER OF PROPERTY
PENDING RESOLUTION OF POST-JUDGMENT MOTIONS**

The interim Chapter 7 trustee filed a motion for turnover [Doc. #99] and a Notice of a Motion for Turnover. [Doc. #100]. The motion seeks a response by April 26, 2022.

Pending before the Court are three post-judgment motions: Motion to Alter or Amend Judgment, Fed. R. Bankr. P. 9023 [Doc. #101], Motion for Stay Pending Appeal Fed. R. Bankr. P. 8007 [Doc. #102], and Motion for Relief from Judgement. R. Bankr. P. 9024 [Doc. #103]. Movants timely appealed the Motion to Convert [Doc. #88].

Movants filed a Notice of Appeal at the BAP [Doc. #104] and respectfully ask that this Court put rule on pending resolution of the post-trial motions. Movants have shown in the motion for stay a substantial likelihood Movants would prevail on appeal, or with this Court upon addressing the Motion for Stay Pending Appeal [Doc. #102]. Proceeding with the Chapter 7 could be proceeding with an invalid Order based on Due Process violation. Preservation of the status quo is one of the most common reasons for the issuance of a stay. Cases uniformly conclude that where, as here, irreparable injury is present. The interim Chapter 7 trustee seeks to change the status quo pending appeal by liquidating the Debtor,

permanently, ending the facilities' license before the stay is addressed by this Court or the appeal is concluded. For all the foregoing reasons, Movants prays that this Honorable Court issue a stay pending resolution of the appeal.

Movants object to the Turnover Order and respectfully ask that the Court put the issue in abeyance pending this Court's decision on the pending post-trial motions.

Respectfully submitted,

/s/ Sebastian Rucci

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Respectfully submitted,

/s/ Steve Albenze

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CERTIFICATE OF SERVICE

I hereby certify that on April 26, 2022, a true and correct copy of the foregoing was served upon the following in the manner indicated: The Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Elec. Mail Notice List:

1. United States Trustee, (Registered Address) @usdoj.gov
2. Joshua Ryan Vaughan, Amer Cunningham Co., L.P.A., Attorney for the State of Ohio, Bureau of Workers Compensation, DJFS, and Department of Taxation.,
3. Frederic P. Schwieg, 2705 Gibson Dr, Rocky River, OH, 44116, Subchap V Trustee.
4. Kate M. Bradley, U.S. Department of Justice, Office of the U.S. Trustee, 201 Superior Ave. East, Suite 441, Cleveland, OH 44114 Attorney for United States Trustee
5. Lauren C. Schoenewald, U.S. Department of Justice, Office of the U.S. Trustee, 201 Superior Ave. East, Suite 441, Cleveland, OH 441, Attorney for United States Trustee

Via First Class Mail on the following unsecured creditors:

6. Ohio Edison, 76 S. Main Street, Akron, OH 44308
7. Armstrong, 437 N. Main Street, Butler, PA 16001
8. Dominion Energy, 1165 W. Rayen Ave., Youngstown, OH 44502
9. Kaleel Bros, Inc., 761 Bev. Road, Youngstown, OH 44512

/s/ Sebastian Rucci

Sebastian Rucci, pro se
Equity Security Holder